HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.11152 OF 2006

Dated 3rd July, 2006.

Between:
Shamshad Yuva Mandali,
An Educational Society registered
under the Societies Registration Act,
represented by its President
Smt. P.Asha D/o Chalapathi,
Obuladeva Nagar, Anantapur District.

… Petitioner

And

The Board of Intermediate Education,
represented by its Secretary, Nampally,
Hyderabad and others.

… Respondents.

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the inaction on the part of the respondents in granting permission to the petitioner to start a junior college at Kuderu village, Ananthapur District as arbitrary and illegal and for a consequential direction to the respondents to accord permission to start the junior college at Kuderu village and Mandal, Ananthapur District in terms of notification dated 20.7.2004.

The Board of Intermediate Education, Andhra Pradesh has issued notification dated 20.7.2004 in Rc.No.22202/Acad/E4/2003-04 inviting applications to set up junior colleges in the mandals notified therein. It is also notified that as an incentive, wherever feasible, government land may be made available on lease or alienation basis. The petitioner, a society registered under the Societies Registration Act, has sought for grant of permission to establish such a college at Kuderu of Anantapur District to the Board of Intermediate. But, however, on the ground that the proposed building is not as per the norms notified to establish a college, the application of the petitioner was rejected.

It is submitted by the learned counsel for the petitioner that as an incentive, the Board has notified for allotment of 5 acres of land on lease or alienation basis. The petitioner also made a representation in this regard on 2.8.2004 to the Mandal Revenue Officer, Kuderu Mandal. But, however, no action has been taken.

So far as the rejection is concerned, when the proposal is not in accordance with the notified regulations and conditions, it is always open for the respondents to reject. In that view of the matter,

I do not find any illegality in rejecting the proposal by the Office of the Board of Intermediate. At the same time, with regard to incentive notified for making available the government land, wherever it is available, either on lease or alienation basis, it is always subject to availability and there is no unconditional offer for allotment of such land. Moreover, it is for the Government, on the proposal sent by the concerned District Collector, to consider. But, in this case, in the absence of government being a party to the writ petition, no positive direction can be issued without verifying the availability of the land, to make available such land either on lease or alienation basis.

However, it is open for the petitioner to make such a representation before the first respondent for allotment of land on lease or alienation basis. If such an application is filed, it is open for the 4th respondent to consider the same in accordance with the policy notified.

Subject to above direction, the writ petition is disposed of. No costs.

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3.7.2006

(R.SUBHASH REDDY, J.)

VR

Note:
Issue cc in three days.
(BO)
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